



Water Main Claims

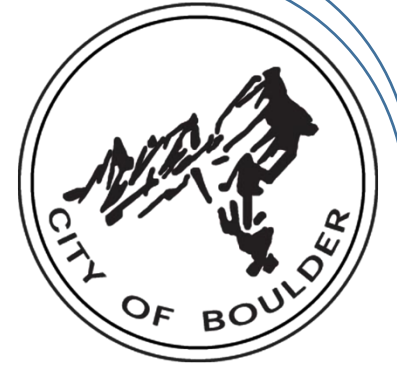
May 31, 2016



Two Incidents in the First Quarter

- February 15, 2016 – Norwood Avenue
 - Claims totaling \$207,425.62
- March 25, 2016 – Hartford Avenue
 - Claims totaling \$96,810.74
- 18 claims totaling \$304,236.36
- In the last ten years, the city has paid \$306,678.29 for all water and sewer claims
- Tonight's request is to approve three settlements in excess of \$10,000
- We will turn to Hartford Avenue next

Proposed Ordinance



- First Reading – April 19, 2016
- Second Reading – May 3, 2016
- Continued Second Reading - July 19, 2016

City Liability



- City liability is governed by the Colorado Governmental Immunities Act
 - Generally only liable for injuries arising from a government facility that presents a dangerous condition
 - Also can be liable for any injuries arising from the negligent operation or maintenance of water facilities, even if the facilities are not in a dangerous condition
- City is not subject to strict liability
 - Liability without fault
 - Usually reserved for those who engage in inherently dangerous activities
- The law does not always provide a remedy for every injury

Proposed Ordinance



Payment will be made for:

- Basic remediation costs
- Repair or replacement of common flooring, drywall, furnaces, boilers and water heaters

The city will not pay for:

- Extraordinary finishes, including but not limited to appliances, cabinetry, bathrooms or upgraded tile flooring or carpeting
- Damage to furniture or other possessions

Claimants	Claimed Damages	Proposal
Emily Baumbach 1551 Norwood Avenue	\$4,477.94 +	\$2,596.88*
Lisa Brusino 1620 Oak Avenue	\$20,067	\$15,267.42
Karen & Malcolm Daly 1545 Norwood Avenue	\$620	\$0
Thomas Debus & Christine Vanston 1660 Oak Avenue	\$5,600	\$4,016.54
Carla Graubard 1555 Norwood Avenue	\$37,744.44	\$26,734.76*
Meredith & Drew Kurry 1548 Oak Avenue	\$10,000	\$3,837.53
Stanley Peterson 1629 Norwood Avenue	\$2,279.68	\$2,000
Dan Spiegler 1535 Norwood Avenue	\$6,402.08	\$5,023.83
Cristina Stoica 1640 Oak Avenue	\$95,000	\$3,000
Simon & Diane Terr 1680 Oak Avenue	\$15,979.83	\$12,265.47
Totals	\$198,170.97	\$74,742.43

Questions for Council



- Do you approve settlements in excess of \$10,000?
- Is the ordinance necessary any longer?